S.B.Cr.Misc. II Bail App. No. 749/2007
(Smt. Phool Kanwar Vs. State of Rajasthan)

Date of order : 05/07/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. R.S.Chundawat for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned, challan papers and the statements of prosecution witness recorded by the trial court. The prosecution has produced as many as five witnesses.

It is contended by learned counsel for the petitioner that the first bail application came to be dismissed on 20.12.2006 as it was not pressed since at the relevant time the trial did not commence. He further contended that now the trial has proceeded and statements of witnesses have been recorded. According to learned counsel for the petitioner, there is no direct involvement of the petitioner in commission of the alleged crime. I have carefully gone through the statement of witnesses recorded so far. The petitioner is mother-in-law of the deceased. From the perusal of the statement of prosecution witnesses, it appears that serious allegation of dowry death has been levelled against the husband of the deceased i.e. Bhanwarlal. The petitioner is an old lady and according to learned counsel for the petitioner, the petitioner has been implicated only because she is mother-in-law of the deceased.

Be that as it may, without commenting on the merit of the case which may prejudice the case of either parties, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this second bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Smt. Phool Kanwar W/o Goverdhan Singh Rajput be released on bail in FIR No.135/06 P.S. Phooliya Kalan, district Bhilwara, provided she executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for her appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP